

IN THE UNITED STATES DESIGNATED/ELECTED OFFICE

Application No. : 10/582,662

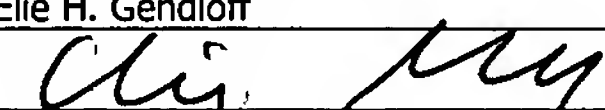
Confirmation No. 6667

Applicants : Ari M. Melnick, Jonathan D. Licht, Gilbert Privé and  
Khaja Farid Ahmad

Filed : December 16, 2004 (I.A.)

Docket No. : 96700/1146

Customer No. : 1912

"Express Mail" mailing label No.	EV 725833931 US
Date of Deposit:	May 24, 2007
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
Name:	Elie H. Gendloff
Signature:	

REPLY TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE  
UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Reply is to the Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) dated January 29, 2007 in the above-identified application. Applicants request a two month extension of time and provide the payment for that extension herewith. With that extension of time, this Reply is due May 29, 2007 and is timely filed.

Oath or Declaration

Enclosed herewith is four (4) Declarations, one signed by each inventor, in compliance with 37 C.F.R. 1.497(a) and (b). A copy of the Notification is also included herewith, as required.

Sequence Requirements

Enclosed herewith is a sequence listing in both paper and computer-readable forms for the above-identified patent application. This sequence listing was previously submitted in the International phase of this application, under PCT/US04/42418. The content of the sequence listing information recorded in computer readable form is identical to the written (on paper) sequence listing. The sequence listing includes no new matter.

Information Disclosure Statement

Enclosed herewith are Forms PTO/SB/08A (1 page) and PTO/SB/08B (1 page) and copies of the 12 non-US patent references listed on those forms.

Amendment

Please enter the following amendment into the instant patent application.

Appl. No. 10/582,662

Reply to Notification of Missing Requirements of February 21, 2007

Reply dated May 24, 2007

Specification Amendment

Please enter the enclosed sequence listing into the instant patent application.

Fees

The Notification of Missing Requirements asserts that the Search Fee and Examination Fee is still required. However, Applicants note that the International Preliminary Report on Patentability for the parent PCT application (PCT/US2004/042418), copy enclosed, establishes that all claims satisfy provisions of PCT Article 33(1)-(4). As indicated in the TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371, Form PCT-1390, at lines 22 and 23, the Examination Fee and Search Fee are both \$0. Accordingly, Applicants assert that additional payment for the Examination Fee and Search Fee is not required.

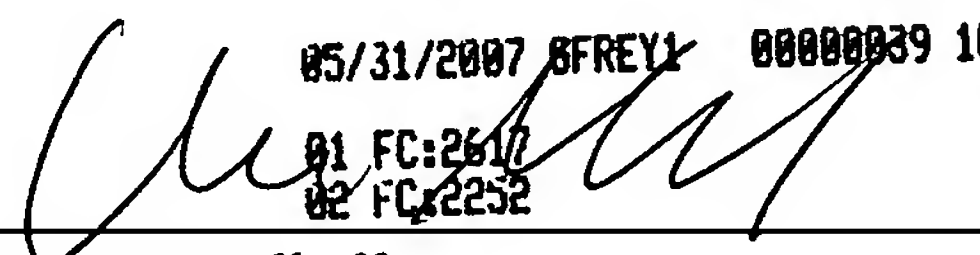
Conclusion

Applicants enclose herewith an Amster, Rothstein & Ebenstein check for \$290.00 to cover the two month extension of time fee (\$225.00) and the late Declaration fee (\$65.00) for a small entity. It is believed that no other fee is due for this application. However, if there are additional fees required to maintain pendency of this application, authorization is hereby given to withdraw those fees from Deposit Account 01-1785.

Respectfully submitted

AMSTER, ROTHSTEIN & EBENSTEIN LLP  
Attorneys for Applicant  
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Dated: New York, New York  
May 24, 2007

By:   
Elie H. Gendloff  
Registration No.: 44,704

05/31/2007 BFREY1 00000039 10582662  
01 FC:2617 65.00 OP  
02 FC:2252 225.00 OP



## UNITED STATES PATENT AND TRADEMARK OFFICE

36700/

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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/582,662	Ari m. Melnick	96700/1146

INTERNATIONAL APPLICATION NO.

PCT/US04/42418

I.A. FILING DATE

PRIORITY DATE

12/16/2004

Craig J Arnold  
Amster Rothstein & Ebenstein  
90 Park Avenue  
New York, NY 10016

CONFIRMATION NO. 6667

371 FORMALITIES LETTER



\*OC000000022198806\*

Date Mailed: 01/29/2007

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 06/12/2006
- Copy of the International Search Report filed on 06/12/2006
- Preliminary Amendments filed on 06/12/2006
- U.S. Basic National Fees filed on 06/12/2006
- Priority Documents filed on 06/12/2006
- Specification filed on 06/12/2006
- Claims filed on 06/12/2006
- Abstracts filed on 06/12/2006
- Drawings filed on 06/12/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$215** for a Small Entity:

- **\$65 Surcharge.**
- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.** Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- The application search fee has not been paid. Applicant must submit **\$50** to complete the search fee. Note a surcharge will be required if submitted later than commencement of the national stage (37 CFR 1.492(h)) and the basic national fee was not paid before July 1, 2005.
- The application examination fee has not been paid. Applicant must submit **\$100** to complete the examination fee for a small entity in compliance with 37 CFR 1.27. Note a surcharge will be required if submitted later than commencement of the national stage (37 CFR 1.492(h)) and the basic national fee was not paid before July 1, 2005.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)**

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/582,662	PCT/US04/42418	96700/1146

FORM PCT/DO/EO/905 (371 Formalities Notice)